

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**FORTY-SIXTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 25, 2016**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Davis and Den Hartog, absent and excused.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Zoe Esplin, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 24, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Den Hartog was recorded present at this order of business.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 25, 2016

The JUDICIARY AND RULES Committee reports that [SCR 148](#), [SCR 149](#), [S 1354](#), [S 1355](#), [S 1356](#), and [S 1357](#) have been correctly printed.

LODGE, Chairman

[SCR 148](#) and [SCR 149](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1354](#) was referred to the State Affairs Committee.

[S 1355](#) was referred to the Resources and Environment Committee.

[S 1356](#) and [S 1357](#) were referred to the State Affairs Committee.

February 24, 2016

The FINANCE Committee reports out [S 1353](#) with the recommendation that it do pass.

KEOUGH, Chairman

[S 1353](#) was filed for second reading.

February 24, 2016

The JUDICIARY AND RULES Committee reports out [SCR 142](#), [SCR 143](#), [SCR 144](#), and [SR 101](#) with the recommendation that they do pass.

LODGE, Chairman

[SCR 142](#), [SCR 143](#), [SCR 144](#), and [SR 101](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 24, 2016

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Anna Jane "Janie" Dressen to the Commission on Pardons and Parole, term to expire January 1, 2019.

Cortney C. Dennis to the Commission on Pardons and Parole, term to expire January 1, 2018.

J. Philip Reberger to the Idaho Judicial Council, term to expire July 1, 2021.

LODGE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 24, 2016

The HEALTH AND WELFARE Committee reports out [HCR 34](#) with the recommendation that it do pass.

HEIDER, Chairman

[HCR 34](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 24, 2016

The EDUCATION Committee reports out [HCR 33](#), [S 1293](#), and [S 1330](#) with the recommendation that they do pass.

MORTIMER, Chairman

[HCR 33](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1293](#) and [S 1330](#) were filed for second reading.

February 24, 2016

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 463](#) with the recommendation that it do pass.

SIDDOWAY, Chairman

[H 463](#) was filed for second reading.

February 25, 2016

The AGRICULTURAL AFFAIRS Committee reports out [H 383](#), [H 417](#), and [H 455](#) with the recommendation that they do pass.

RICE, Chairman

[H 383](#), [H 417](#), and [H 455](#) were filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

February 24, 2016

Dear Mr. President:

I transmit herewith [H 451](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 451](#) was filed for first reading.

February 24, 2016

Dear Mr. President:

I transmit herewith Enrolled [HCR 31](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 31](#) and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

[S 1257](#) having been held at the desk for possible reconsideration of the vote by which it passed the Senate, and no motion for reconsideration having been received, [S 1257](#) was ordered transmitted to the House.

The President announced that [HCR 42](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Lee, seconded by Senator Buckner-Webb, [HCR 42](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

Senator Davis was recorded present at this order of business.

The President announced that [HCR 30](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Buckner-Webb, seconded by Senator Lakey, [HCR 30](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [SCR 147](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Buckner-Webb, seconded by Senator Lee, [SCR 147](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1358

#### BY JUDICIARY AND RULES COMMITTEE

##### AN ACT

RELATING TO THE IDAHO EQUIPMENT DEALER PROTECTION LAW; AMENDING SECTION 28-24-103, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE CLARIFICATION REGARDING COMPETITIVE CIRCUMSTANCES; AND AMENDING SECTION 28-24-104, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE PROVISIONS REGARDING NOTICE, AND TO MAKE TECHNICAL CORRECTIONS.

#### S 1359

#### BY JUDICIARY AND RULES COMMITTEE

##### AN ACT

RELATING TO FARM IMPLEMENTS AND EQUIPMENT; AMENDING SECTION 28-23-101, IDAHO CODE, TO REVISE PROVISIONS ASSOCIATED WITH THE REPURCHASE OF CERTAIN EQUIPMENT FROM RETAILERS BY WHOLESALERS, MANUFACTURERS AND DISTRIBUTORS AND TO REVISE PROVISIONS REGARDING SUMS TO BE PAID FOR REPURCHASE; AMENDING SECTION 28-23-102, IDAHO CODE, TO REVISE VERBIAGE AND TO PROVIDE FOR THE PURCHASE PRICE OF REPAIR TOOLS IN COMPLETE AND USABLE CONDITION.

#### S 1360

#### BY JUDICIARY AND RULES COMMITTEE

##### AN ACT

RELATING TO THE ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5223, IDAHO CODE, TO PROVIDE A REQUIREMENT REGARDING CERTAIN AMENDMENTS TO ADMINISTRATIVE RULES.

#### S 1361

#### BY JUDICIARY AND RULES COMMITTEE

##### AN ACT

RELATING TO PUBLIC DEFENSE; AMENDING SECTION 19-862, IDAHO CODE, TO PROVIDE THAT MONEY TO ADMINISTER PUBLIC DEFENSE MAY BE APPROPRIATED FROM CERTAIN FUNDS; AMENDING SECTION 31-3403, IDAHO CODE, TO REVISE A DEFINITION; AND AMENDING SECTION 63-805, IDAHO CODE, TO PROVIDE FOR PUBLIC DEFENDER SERVICES.

#### S 1362

#### BY JUDICIARY AND RULES COMMITTEE

##### AN ACT

RELATING TO RENEWAL OF JUDGMENT ON LIENS; AMENDING SECTION 10-1111, IDAHO CODE, TO INCREASE THE PERIOD OF TIME A RENEWED JUDGMENT ON A LIEN MAY BE CONTINUED FOR CERTAIN JUDGMENTS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION FOR CERTAIN JUDGMENTS.

[S 1358](#), [S 1359](#), [S 1360](#), [S 1361](#), and [S 1362](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 451](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

[S 1274](#) and [S 1275](#), by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

[S 1237](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [S 1237](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1339](#) retained its place on the Third Reading Calendar.

[S 1238](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bayer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [S 1238](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1239](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bayer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [S 1239](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1340](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lee

arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [S 1340](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1212](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [S 1212](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

### General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

### Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out [S 1256](#), [S 1260](#), [H 379](#), and [S 1297](#), as amended, without recommendation, amended as follows:

#### SENATE AMENDMENT TO S 1256

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 23, following "~~seventy-five~~" insert: "not less than one hundred fifty dollars (\$150) and not more than"; in line 25, delete ", 49-1232" and insert: ", 49-1232"; and following line 25, insert:

"(7) It is an infraction punishable by a fine of seventy-five dollars (\$75.00) for any person to violate the provisions of section 49-1232, Idaho Code."

##### AMENDMENT TO SECTION 2

On page 2, in line 17, following "~~seventy-five~~" insert: "not less than one hundred fifty dollars (\$150) and not more than".

##### AMENDMENT TO SECTION 3

On page 2, in line 36, following "~~seventy-five~~" insert: "not less than one hundred fifty dollars (\$150) and not more than".

#### SENATE AMENDMENT TO S 1260

##### AMENDMENT TO SECTION 7

On page 6 of the printed bill, in line 46, delete "waste" and insert: "environmental management".

## AMENDMENT TO SECTION 9

On page 10, in line 7, delete "and" and insert: "or".

## SENATE AMENDMENT TO H 379

## AMENDMENT TO SECTION 2

On page 2 of the printed bill, in line 9, following "for" insert: "public"; also in line 9, following "and" insert: "public"; in line 18, delete "and" and insert: ";"; also in line 18, following "administrators" insert: "; parents and students"; in line 19, delete "Evaluating" and insert: "Ensuring that the state department of education and the Idaho digital learning academy evaluate"; in line 20, delete "software"; also in line 20, delete "providing" and insert: "provide"; in line 21, delete "software"; in line 39, delete "software"; also in line 39, following "for" insert: "public"; also in line 39, following "districts" insert: "and public charter schools"; in line 40, delete "professional-" and insert: "career"; in line 41, following "technical" insert: "secondary and"; and in line 45, delete "professional-" and insert: "career".

## SENATE AMENDMENT TO S 1297, As Amended

## AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, in line 34, delete "section 34-1113" and insert: "sections 34-1113 and 34-1114"; and on page 2, line 15, delete "may" and insert: "shall".

WINDER, Chairman

On motion by Senator Lakey, seconded by Senator Burgoyne, the report was adopted by voice vote.

[S 1256](#), as amended, [S 1260](#), as amended, and [S 1297](#), as amended, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

[H 379](#), as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

## Reports of Standing Committees

February 25, 2016

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1256](#), [S 1260](#), [H 379](#), and [S 1297](#), as amended, have been correctly printed.

LODGE, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 25, 2016

The JUDICIARY AND RULES Committee reports that [S 1256](#), as amended, [S 1260](#), as amended, and [S 1297](#), as amended, as amended, have been correctly engrossed.

LODGE, Chairman

[S 1256](#), as amended, [S 1260](#), as amended, and [S 1297](#), as amended, as amended, were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials

[H 379](#), as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

[S 1256](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1260](#), as amended, by Agricultural Affairs Committee, was read the first time at length and filed for second reading.

[S 1297](#), as amended, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

## Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Burgoyne, by voice vote the Senate recessed at 12:05 p.m. until the hour of 4:30 p.m. of this day.

RECESS  
AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Keough and Lodge, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

The Senate advanced to the Sixth Order of Business.

## Reports of Standing Committees

February 25, 2016

The RESOURCES AND ENVIRONMENT Committee reports out [S 1355](#) with the recommendation that it be re-referred.

BAIR, Chairman

There being no objection, [S 1355](#) was referred to the Agricultural Affairs Committee.

February 25, 2016

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 341](#), [H 367](#), [H 369](#), [H 440](#), and [HCR 36](#) with the recommendation that they do pass.

PATRICK, Chairman

[H 341](#), [H 367](#), [H 369](#), and [H 440](#) were filed for second reading.

[HCR 36](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 25, 2016

The EDUCATION Committee reports out [H 459](#) and [H 476](#) with the recommendation that they do pass.

MORTIMER, Chairman

[H 459](#) and [H 476](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

Senators Keough and Lodge were recorded present at this order of business.

February 24, 2016

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1215](#), [S 1217](#), and [S 1233](#)

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

[S 1339](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Thayn, Vick, Ward-Engelking, Winder. Total - 31.

NAYS—Buckner-Webb, Burgoyne, Jordan, Stennett.  
Total - 4.

Total - 35.

Whereupon the President declared [S 1339](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 6:40 p.m. until the hour of 10:30 a.m., Friday, February 26, 2016.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary